Los Angeles County Sheriff's Department

Officer Involved Shooting

Report Date: 07-09-97	Bureau/Station/Facility: PSTD/IAB	Admin. Invest.? ☐	Hit? ☒

Incident Information

URN: 097-09906-0244-051	Date: 07-09-97 Time: 1812
City or Station: East Los Angeles/City of Commerce	Nature of Incident: Officer involved shooting in which suspect was wielding a knife and confronted the deputies.
Location: [redacted] E. Washington Blvd. Commerce, CA 90040	

Location Type (circle one or more): Backyard, Beach, **Business**, Freeway, **Industrial**, Park, Parking Lot, Residence, Rural, School, Street

Lighting (circle only one): Darkness, **Daylight**, Other, Street Lights

Weather (circle only one): **Clear**, Cloudy, Fog, Rain

Distance:

Incident Type (circle one or more): Accidental, Armed Person, Fleeing Suspect, Foot Pursuit, Gun Take Away, Moving Vehicle, Sniper/Ambush, Startle, Struggle Involved, Traffic Stop, Unarmed Person, Unintentional, Vehicle Pursuit, Warrant Service, Other **Wielding a Knife**

Initiated by (circle only one): Arrest Warrant, **Call**, Observation, One Person Unit, Other, Search Warrant, Two Person Unit

Prior Activity (circle only one): Detective, Inmate Transport, Other **Routine Patrol**

Total # of Shots Fired by Deputy: 8 +4 stun

Total # of Shots Fired by Suspect: 0

Aero Unit? ☐ Canine Unit? ☐

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (circle only one)	ShiftType (circle only one)
[redacted]	Parks	Frank		EM **(PM)** Day	**(Regular)** Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty

Non-Employee Witnesses

Last Name [redacted]		First Name [redacted]		M.I. [redacted]	
Street Address [redacted]	City [redacted]	Zip Code [redacted]	Work Ph / Home Ph [redacted]		
Last Name [redacted]		First Name [redacted]		M.I. [redacted]	
Street Address [redacted]	City [redacted]	Zip Code [redacted]	Work Ph / Home Ph [redacted]		
Last Name [redacted]		First Name [redacted]		M.I. [redacted]	
Street Address [redacted]	City [redacted]	Zip Code [redacted]	Work Ph n/a	Home Ph [redacted]	

Supervisors

Employee #	Last Name	First Name	M.I.	(circle one or more)
[redacted]	Saleeby	John	L.	**(On Duty)**, Present during shooting, Witness to shooting, Involved in shooting
				On Duty, Present during shooting, Witness to shooting, Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	Cunningham	Kenneth	J.

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Torres	Anthony	P.

PSTD Use Only

SH # 1100855

SH-R-438A rev. 3/97

See Reverse

Officer Involved Shooting

URN: 097-09906-0244-051

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
07-09-97	2020 hrs.		

Employee #	Last Name	First Name	M.I.
[redacted]	Lenhart	Debra	L.
[redacted]	Trevizo	Herman	D.

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon:Feet/Leg: (Kick)
(PS) Personal Weapon:Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device:REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 gauge
(20) 20 gauge
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-06 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 gauge
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED (one code per block)

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
E[redacted]	Zazueta	ST	IT	12	Y	Y	AB	CH,
"	"	"	"	"	"	"	"	FA,
"	"	"	"	"	"	"	"	EL
"	"	FH	BR	9	Y	Y	GS	AD
E[redacted]	Zazueta	FH	BR	9	Y	Y	GS	
E[redacted]	Zazueta	FS	IT	12	Y	Y	GS	HI,
"	"	"	"	"	"	"	"	AD
"	"	"	"	"	"	"	"	IN

Officer Involved Shooting
Involved Employee Information

URN: 097-09906-0244-051

Involved Employee

E1

Employee # [redacted]	Last Name: McCleary	First Name: Joseph	M.I.: G.
Sex: M Race: W	Rank: Deputy Sheriff	Unit of Assignment: E.L.A. Patrol Station	Work Assignment (Unit #, Module, etc.): 28A (City of Commerce)
ShiftTime (circle only one): EM PM Day	ShiftType (circle only one): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	SubstanceUsed: n/a
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☒	Coroner Case #: 97-04749 Interviewed? ☒
Hrs of sleep prior to shooting: 8	Duty Time (hrs): [redacted]	Clothing (circle only one): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors: Suspect was wielding a knife when he confronted the deputies.
Age: 39 Height: 5'11	Weight: 180		
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

E2

Employee # [redacted]	Last Name: Binns	First Name: Lance	M.I.: A.
Sex: M Race: B	Rank: Deputy Sheriff	Unit of Assignment: ELA Patrol Station	Work Assignment (Unit #, Module, etc.): 28 (City of Commerce)
ShiftTime (circle only one): EM PM Day	ShiftType (circle only one): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	SubstanceUsed: n/a
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: Interviewed? ☐
Hrs of sleep prior to shooting: 8	Duty Time (hrs): [redacted]	Clothing (circle only one): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors: Suspect was wielding a knife when he confronted the deputies.
Age: 38 Height: 6'0"	Weight: 180		
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]
Field Training Officer Emp #	Last Name	First Name	M.I.

E3

Employee # [redacted]	Last Name: Gleason	First Name: Jerry	M.I.: A.
Sex: M Race: W	Rank: Deputy Sheriff	Unit of Assignment: ELA Patrol Station	Work Assignment (Unit #, Module, etc.): 27A (City of Commerce)
ShiftTime (circle only one): EM PM Day	ShiftType (circle only one): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	SubstanceUsed: n/a
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: Interviewed? ☐
Hrs of sleep prior to shooting: 8+	Duty Time (hrs): [redacted]	Clothing (circle only one): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors: Suspect was wielding a knife when he confronted the deputies.
Age: 33 Height: 5'8"	Weight: 170		
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? ☒ Number of Prior Shootings: 1
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]
Field Training Officer Emp #	Last Name	First Name	M.I.

Officer Involved Shooting
Suspect Information

URN: 097-09906-0244-051

Suspect Information

S1

Last Name: Zazueta	First Name: Jesus	M.I.:
AKA Last Name:	First Name: Jessie	M.I.:
Sex: M Race: H	Street Address: [redacted]	City: [redacted] State & Zip Code: [redacted]
Work Phone: [redacted]	Home Phone: unk.	Social Security #: [redacted] Driver's License #: [redacted]
Age: 38 D.O.B. 01/09/59	Height: 5'6 Weight: 176	FBI #: CII #: [redacted]
Booking #: n/a	Primary Charge: 245 (c) P.C.	Secondary Charge:
Coroner Case? [x]	Coroner Case #: 97-04749	Intoxication/Drug Usage? [ ] SubstanceUsed: Alcohols/Ethanol
Armed? [x]	Apprehended? [x]	Mental Illness? [ ] Criminal History? [redacted]
Vehicle Make: Hyundai	Model: Excel	Year: 1989

S__

Last Name:	First Name:	M.I.:
AKA Last Name:	First Name:	M.I.:
Sex: Race:	Street Address:	City: State & Zip Code:
Work Phone:	Home Phone:	Social Security #: Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #: CII #:
Booking #:	Primary Charge:	Secondary Charge:
Coroner Case? [ ]	Coroner Case #:	Intoxication/Drug Usage? [ ] SubstanceUsed:
Armed? [ ]	Apprehended? [ ]	Mental Illness? [ ] Criminal History? [ ]
Vehicle Make:	Model:	Year:

S__

Last Name:	First Name:	M.I.:
AKA Last Name:	First Name:	M.I.:
Sex: Race:	Street Address:	City: State & Zip Code:
Work Phone:	Home Phone:	Social Security #: Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #: CII #:
Booking #:	Primary Charge:	Secondary Charge:
Coroner Case? [ ]	Coroner Case #:	Intoxication/Drug Usage? [ ] SubstanceUsed:
Armed? [ ]	Apprehended? [ ]	Mental Illness? [ ] Criminal History? [ ]
Vehicle Make:	Model:	Year:

S__

Last Name:	First Name:	M.I.:
AKA Last Name:	First Name:	M.I.:
Sex: Race:	Street Address:	City: State & Zip Code:
Work Phone:	Home Phone:	Social Security #: Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #: CII #:
Booking #:	Primary Charge:	Secondary Charge:
Coroner Case? [ ]	Coroner Case #:	Intoxication/Drug Usage? [ ] SubstanceUsed:
Armed? [ ]	Apprehended? [ ]	Mental Illness? [ ] Criminal History? [ ]
Vehicle Make:	Model:	Year:

SUPPLEMENTAL NON-EMPLOYEE WITNESSES

Los Angeles County Sheriff's Department

Non-Employee Witnesses

Last Name	[redacted]	First Name	[redacted]	MI	[redacted]				
Street Address	[redacted]			Zip Code		Work Ph	[redacted]	Home Ph	[redacted]
Last Name	[redacted]	First Name	[redacted]	M.I.					
Street Address	[redacted]	City	[redacted]	Zip Code	[redacted]	Work Ph	[redacted]	Home Ph	[redacted]
Last Name	[redacted]	First Name	[redacted]	M.I.	[redacted]				
Street Address	[redacted]	City	[redacted]	Zip Code	[redacted]	Work Ph	[redacted]	Home Ph	[redacted]
Last Name	[redacted]	First Name	[redacted]	M.I.	[redacted]				
Street Address	[redacted]	City	[redacted]	Zip Code	[redacted]	Work Ph	[redacted]	Home Ph	[redacted]
Last Name	[redacted]	First Name	[redacted]	M.I.	[redacted]				
Street Address	[redacted]	City	[redacted]	Zip Code	[redacted]	Work Ph	[redacted]	Home Ph	[redacted]
Last Name	[redacted]	First Name	[redacted]	M.I.					
Street Address		City		Zip Code		Work Ph	[redacted]	Home Ph	
Last Name	[redacted]	First Name	[redacted]	M.I.					
Street Address		City		Zip Code		Work Ph	[redacted]	Home Ph	
Last Name	[redacted]	First Name	[redacted]	M.I.					
Street Address	[redacted]	City	[redacted]	Zip Code	[redacted]	Work Ph	N/A	Home Ph	[redacted]
Last Name	[redacted]	First Name	[redacted]	M.I.	NMN				
Street Address	[redacted]	City	[redacted]	Zip Code	[redacted]	Work Ph	N/A	Home Ph	[redacted]
Last Name	[redacted]	First Name	[redacted]	M.I.					
Street Address		City		Zip Code		Work Ph		Home Ph	
Last Name		First Name		M.I.					
Street Address		City		Zip Code		Work Ph		Home Ph	
Last Name		First Name		M.I.					
Street Address		City		Zip Code		Work Ph		Home Ph	
Last Name		First Name		M.I.					
Street Address		City		Zip Code		Work Ph		Home Ph	
Last Name		First Name		M.I.					
Street Address		City		Zip Code		Work Ph		Home Ph	
Last Name		First Name		M.I.					
Street Address		City		Zip Code		Work Ph		Home Ph	
Last Name		First Name		M.I.					
Street Address		City		Zip Code		Work Ph		Home Ph	
Last Name		First Name		M.I.					
Street Address		City		Zip Code		Work Ph		Home Ph	

INVESTIGATIVE SUMMARY

FILE IAB SH 1100855

I.A.B. NOTE: The following investigative summary was taken from reports, supplemental reports, memorandums, tape recordings and interviews conducted by investigators from the Internal Affairs Bureau and Homicide Bureau.

On July 9, 1997, Sergeants Debra Lenhart and Herman Trevizo responded to [redacted] E. Washington Boulevard, City of Commerce, regarding an Assault With A Deadly Weapon On A Peace Officer, 245© P.C./Deputy Involved Shooting/Suspect Deceased, that occurred on that date. The incident was handled by Homicide Bureau Detectives Patrick Robinson and Mark Lillienfeld, and they were assisted by Homicide Detectives Doral Riggs and Pam Schrick who completed the crime scene investigation. This investigation was documented under East Los Angeles Station File # 097-09906-0244-051 (Refer to ***Exhibit "A, pages 1 - 137"*** for a copy of Homicide Bureau investigation.).

I.A.B. Note: Present during the interviews of Deputies Binns, McCleary and Gleason were attorneys from ALADS. These attorneys were from the law firm of Green and Shinnee and were identified as Elizabeth Gibbons and Gregory Tanner.

On July 09, 1997, at approximately 1813 hours, Deputies Lance BINNS (Unit 28) received a call indicating a suspicious man in a vehicle next to the [redacted] store located at [redacted], [redacted] and Joseph MC CLEARY (Unit 28A) was given the assist. They were both informed via tag #380 that the suspicious person (Jesus Zazueta) was the same individual that had threatened to kill his [redacted] ([redacted]) that works at [redacted] located at [redacted] E. Washington Boulevard, on July 07, 1997. (Refer to ***Exhibit "A, page 83"*** for reference to the [redacted] Report [redacted] and ***Exhibit "A, page 82"*** depicting a copy of the Incident Details).

Deputy BINNS, employee #[redacted], East Los Angeles Station, stated when he first arrived at the scene, he was unable to locate the suspect. He contacted an employee at the rear of [redacted], and while doing so he was advised to go to a tactical frequency and speak to his assisting partner, Deputy McCLEARY. He was advised by McCLEARY that the suspect was at Nino's Bar, which is directly west of the location of the call. BINNS followed MCCLEARY in his radio car to the [redacted] store parking lot and then turned eastbound on Washington Boulevard and returned to the front of [redacted],

where the incident occurred. (Refer to ***Exhibit "B, page 1"*** depicting photos of the location).

Deputy BINNS said as he got out of his radio car, the suspect was standing by the front door of the building. He was approximately 15 to 20 feet from the suspect, and the suspect began pulling some type of object from his waistband. BINNS said that the suspect faced him and was holding a knife in each hand. BINNS repeatedly ordered the suspect to drop the knives, and at one point during this confrontation, the suspect held the knives over his head.

Deputy BINNS was questioned further by Homicide Detectives. BINNS recalled that upon his initial contact of the suspect, he (suspect) was in an alcove of the building and was banging on the front door to [redacted]. The suspect then turned and initially walked out of the alcove onto the sidewalk. BINNS stood behind a palm tree, using it for cover. (Refer to ***Exhibit "B, page 1"*** photo depicting front of location and palm tree). At this time BINNS thought Deputy McCLEARY was approximately 6 feet away. (Refer to ***Exhibit "B, pages 2 & 3"*** photos depicting placement of radio cars). It was at this time that BINNS told McCLEARY to retrieve the "stun gun." As McCLEARY went to get the stun gun from the trunk of his (McCLEARY'S) radio car, the suspect said, "Fuck you, I'm going to kill you. I'm going to take you out."

Deputy BINNS stated McCLEARY was able to retrieve the Department issued shotgun, that was loaded with four rounds of stun bag ammunition. BINNS said he watched as Deputy McCLEARY fired three to four rounds of stun bag ammunition at Suspect Zazueta, with no effect. He said the suspect then took a knife in his right hand, by the blade, and acted as if he was going to throw it.

Deputy BINNS said as the suspect started to approach him with the knife over his head, he (BINNS) fired one round from his Departmental issued Beretta, 9mm pistol. He believed it was simultaneous that Deputy McCLEARY fired two to four rounds from his 9mm weapon. BINNS stated the suspect continued to advance approximately 4 to 5 feet and he (BINNS) shot a second time. BINNS said Deputy Jerry GLEASON arrived, and he too fired his weapon at the suspect. BINNS stated he was aware of the prior stalking report, and that Zazueta was the named suspect in that report. He estimated he spoke to the suspect approximately 1-2 minutes prior to the shooting incident.

I.A.B. Note: A check of Deputy Binn's Beretta indicated that it was loaded with thirteen (13) live 9mm rounds in the magazine, and one (1) live round in the chamber. It was determined that he had fired two (2)

rounds during the incident, as he advised the Homicide Detectives that he normally carries his Department issued Beretta, 9mm, Model 92F, semiautomatic pistol, with fifteen (15) live rounds in the magazine and one (1) in the chamber. Deputy Binn's weapon, serial #BER[redacted]Z, was ultimately transported to the Sheriff's Crime Lab, Firearms Section, for examination. Scientific Services Bureau also determined that the two fired rounds by Deputy BINNS were not contact wounds on the suspect, but retrieved from inside the location, denoted as Item #30 and Item #36 retrieved from the outer stucco wall of the location, west of entry alcove. (Refer to ***Exhibit "A, pages 30, 31 and 124"*** for evidence held and ballistics report and ***Exhibit "B pages 1 - 37"*** depicting photos of evidence).

I.A.B. Note: There is a discrepancy between the ballistic report prepared by Jeff Walley which indicates that Deputy Binn's weapon was submitted with one magazine and 13 live rounds of 9mm caliber ammunition. All evidence recovered and the detectives examination of his weapon indicates it contained 13 live rounds in the magazine and one live round in the chamber, for a total of 14 live rounds. (Refer to ***Exhibit "A, page 120"***).

Deputy Joseph McCLEARY, Employee #[redacted], East Los Angeles Station, stated that on the night of the shooting, he was working Unit 28A, a one-man City of Commerce car from the hours of [redacted] to [redacted] hours. He thought it was approximately 1730 hours when he received the assist on a radio call of a suspicious person in an automobile. He said the suspect was named from a prior stalking report from the day prior. He recalled the suspect's first name of Jesus, and his vehicle description was that of a blue Hyundai. He said when the call was dispatched he responded from Veterans Park which took approximately three to four minutes.

Deputy Mc CLEARY stated when he arrived he observed Deputy BINNS in front of the location, and then BINNS drove to the rear of the location. McCLEARY saw a male Hispanic adult, (suspect) standing at the front of the business. At this point, Mc CLEARY did not realize that this was the suspect. He said he then followed BINNS to the rear of the location, where they both drove westbound through the alley and then northbound, approximately 100 yards west of their location through a [redacted] store parking lot. They continued eastbound along Washington Boulevard, and pulled up in front of the location. It was at this point, that Mc CLEARY realized that the man he previously saw at the front door was the suspect. He described the suspect as wearing black pants and a white Polo

type shirt with "Food for Less" inscribed on it. He watched Suspect Zazueta walk back towards the front of the location. McCLEARY was seated in his radio car and he watched as the suspect was banging on the front door of the location with what appeared to be a knife sheath. (Refer to ***Exhibit "B, pages 16 & 17"*** depicting a photo of the sheath).

Deputy McCLEARY said he grabbed his O.C. spray and his Department issued Beretta pistol, and called the suspect over towards his radio car through the opened front passenger window. The suspect ignored his demands. He said he saw that BINNS was out of his radio car and standing next to a palm tree. He said BINNS kept ordering the suspect to drop the knives and to come to him.

Deputy McCLEARY stated the suspect had pulled knives from the sheath and was holding the knives in each hand, and taking a stance like a "boxer." It was at this time that Deputy BINNS told McCLEARY to get the Department issued shotgun with four stun bag rounds from the trunk of his radio car. He said in order to save time, he placed his O.C. spray and is Department issued Beretta pistol down inside the interior of the opened trunk.

Deputy McCLEARY said he could hear Suspect Zazueta yelling at BINNS, "I'll kill you!" Also, he heard him say in a loud clear voice, "Before you get that stun gun, I'll kill you." McCLEARY stated he fired four (4) rounds of stun bag ammunition from the Department issued shotgun. He said he heard the suspect shout several times, just prior to him shooting at Zazueta, "You'll have to kill me."

Deputy McCLEARY stated that after firing the four rounds of stun bag ammunition, the suspect threw the knife in his right hand by the blade towards Deputy BINNS. McCLEARY said it was at this time he fired three (3) or four (4) rounds from his Department issued Beretta, 9mm pistol. He said it appeared simultaneous when he heard and saw Deputy GLEASON fire his shotgun at the suspect. He said GLEASON was to his left and slightly behind him (McCLEARY).

Deputy McCLEARY said the suspect was hit by the shotgun blast to the right torso area, and he immediately fell down to the ground. He was unsure of where the knife went that was thrown at Deputy BINNS. McCLEARY estimated his location as to being approximately 15 feet to the left or east of Deputy BINNS' position at the time of the shooting. He further stated that Deputy BINNS was to the right or west of the palm tree and standing directly north of it.

Deputy McCLEARY stated he heard BINNS continually yell at the suspect, "Drop the

knife." He thought one knife appeared to be a steak knife while the other had the appearance of similar to a "buck" type knife. (Refer to ***Exhibit "B, pages 17, 18 & 37"*** depicting photos of both knives).

I.A.B. Note: An inspection of Deputy McCleary's Department issued Beretta, 9mm, Model 92F, semiautomatic pistol indicated that it was loaded with one (1) live round in the chamber and twelve (12) live rounds in the magazine. It was determined that he had in fact fired three (3) times during the incident as he advised the Homicide Detectives that he normally carries his weapon with fifteen (15) live rounds in the magazine and one (1) live round in the chamber. Deputy Mc Cleary's weapon, serial #BER[redacted]Z, was ultimately transported to the Sheriff's Crime Lab, Firearms Section, for examination. Scientific Services Bureau determined that Items #7, #21, and #22, expended 9mm caliber cases were worked through the action of Deputy McCleary's Department issued weapon. They further determined that Item #39, an expended 9mm caliber copper bullet jacket was retrieved from the east interior entry base , and Item # CC97-4749 (1 of 2) an expended 9mm caliber bullet retrieved from the Coroner's autopsy, were both positively fired from the submitted Beretta pistol, serial #BER[redacted]Z, issued to McCleary. (Refer to Exhibit "A, pages 124 and 125" depicting copies of the report submitted by Scientific Services).

I.A.B. Note: There is a discrepancy between the ballistic report prepared by Jeff Walley which indicates that Deputy McCleary's weapon was submitted with one magazine and 14 live rounds of 9mm caliber ammunition. All evidence recovered and the detectives examination of his weapon indicates it contained 12 live rounds in the magazine and one live round in the chamber, for a total of 13 live rounds. (Refer to ***Exhibit "A, page 119"***).

Deputy Jerry GLEASON, Employee #[redacted] East Los Angeles Station, stated that on the night of the shooting, he was working Unit 27A, a one-man City of Commerce car from the hours of [redacted] to [redacted] hours. He was monitoring the radio, when he heard emergent traffic requesting a sergeant with a taser to respond to the location on Washington Boulevard.

Deputy GLEASON said in response to that request, he responded "Code 3" with lights

and siren on from approximately ½ mile away. As he drove his marked radio car westbound on Washington Boulevard approaching O'Neill Avenue, he saw the other two marked radio cars parked on the south side of Washington Boulevard, directly in front of the location, where the incident occurred. He observed one car to be blocking the number 2 lane of eastbound traffic. (Refer to ***Exhibit "B, pages 2 & 3"*** depicting photos of the positioning of the radio cars during the incident).

Deputy GLEASON stated that upon his arrival, he saw Deputy BINNS standing by a palm tree with his weapon drawn. He saw Deputy McCLEARY standing between the two radio cars that were directly in front of the business/location. GLEASON could see the suspect standing in the alcove of the building, and holding what appeared to be two knives. He immediately grabbed his Department issued shotgun, from the interior locked device inside the radio car and got out. He heard the suspect yelling at the deputies and in turn heard the deputies ordering the suspect to drop the knives. Deputy GLEASON said he heard gunshots in rapid succession and saw the suspect's shirt bounce, as if he was being stuck by bullets.

Deputy GLEASON said he saw the suspect throw something with his right hand at Deputy BINNS from approximately 10 feet away. He heard BINNS shout at the suspect, "Drop your knife. Drop your knife." GLEASON said he saw the suspect holding a second knife in his right hand. Then the suspect began "charging" towards Deputy BINNS with the blade out in front of him. He thought the suspect had cut the distance in half to approximately five (5) feet.

Deputy GLEASON stated as suspect Zazueta charged towards Deputy BINNS, he (GLEASON) fired two (2) shotgun rounds at the suspect. He said simultaneously he heard other rounds going off. It was unknown to GLEASON as to what deputies fired their weapons or how many rounds were fired at the suspect. He said that after the first two shotgun rounds were fired, the suspect paused and slightly spun, but continued charging at Deputy BINNS. GLEASON said he fired a third shotgun round, 1 ½ to 2 seconds later. He thought he was approximately 15 to 20 feet away from the suspect.

Deputy GLEASON told the Homicide Detectives that he had positioned himself in front of his westbound facing radio car when he fired his shotgun. He further said that he was standing in the street and had shot at the suspect from an angle. He was unaware if his first two shotgun rounds had struck the suspect. It was after the third round fired that the suspect stopped and fell to the ground.

Deputy GLEASON told the Detectives that had the suspect not been stopped, he felt

positive that Suspect Zazueta would have hurt Deputy BINNS if he were allowed to continue on the path of travel he had taken.

I.A.B. Note: Deputy GLEASON'S Department issued Ithaca, 12 gauge, shotgun, Serial #MAG-[redacted] was submitted to Scientific Services for testing with one live round of 12 gauge shotgun ammunition. It was loaded with Winchester #4 buckshot and it was determined that Items 1,2, and 3, expended 12 gauge shot shells were positively worked through the action of the submitted Ithaca shotgun, issued to Deputy GLEASON. The shotgun pellets contained in Item CC97-4749 (2 of 2) containing 27 lead pellets were retrieved from the coroner during the autopsy. The majority of these pellets were located in the abdomen of the suspect with a few located to the face. (Refer to ***Exhibit "A, page 92 and 93"*** Corner's Report and ***Exhibit "A pages 124 and 125"*** Scientific Services Report).

Witness John L. SALEEBY, employee #[redacted] assigned to East Los Angeles Station as 29S/PM's reported that at approximately 1823 hours he heard via the main dispatch a request for his assistance by Deputy Binns. (Refer to ***Exhibit "E"*** depicting an audio tape of the "1033" call for assistance. He said Binns requested him to respond to [redacted] E. Washington Boulevard, Commerce with a taser. SALEEBY indicated that he carries a taser in the trunk of his vehicle.

Witness SALEEBY stated he responded code 3 from the north annex of 5550 E. Harbor Boulevard, Commerce with an estimated response time of 1 - 2 minutes. Upon his arrival, SALEEBY observed the suspect laying face down on the sidewalk in front of the location of [redacted] E. Washington Boulevard. He said Deputy Binns was handcuffing the suspect's hands behind his back as he arrived, and then Deputy Binns backed away from the suspect.

Witness SALEEBY indicated that Deputy McCleary was holding his duty weapon upon his arrival and witnessed him de-cock and reholster his weapon. He saw Deputy Gleason holding a shotgun, and then observed him secure the weapon back into the radio car.

Witness SALEEBY said he heard the suspect's labored breathing. He said Deputy McCleary gave him a county blanket from the trunk of his radio car, in which he rolled the suspect onto his right side, and placed the blanket behind the suspect's head and back in effort to allow the suspect better breathing capability.

Witness SALEEBY said he asked the suspect several times if he could hear him, but the suspect did not respond. His eyes were fixed open.

Witness SALEEBY stated he interviewed a witness [redacted] and tape recorded his interview.

I.A.B. Note: Homicide Detectives and an Internal Affairs Investigator Sergeant Trevizo interviewed [redacted] at East Los Angeles Station.

Witness [redacted] [redacted], FH/32, DOB: [redacted], was interviewed at East Los Angeles Station on 07-09-97, at 2130 hours, by Sergeant Robinson, and Detective Lillienfeld from Homicide and Sergeant Trevizo from Internal Affairs.. Ms. [redacted] told Detectives that she was the [redacted] [redacted] of Suspect Zazueta. She further said that she was employed by [redacted], where the incident occurred. She said they had been together for the past seventeen (17) years and that they had two (2) [redacted] together ages [redacted] and [redacted].

Witness [redacted] said that during their seventeen year relationship, they had separated from each other on several occasions. She said on June 24, 1997, her [redacted], (Suspect Zazueta) came home drunk, and became abusive with her and the [redacted]. Between pushing and pulling he broke the bed post, and threw a fan against the wall, along with creating other damage. She said he had struck her on prior occasions, although she had never reported that to law enforcement nor sought medical treatment for her injuries received from these assaults. Due to his increased violent behavior, she left her [redacted]'s home on June 26, 1997, and moved in with her sister at [redacted].

Witness [redacted] told Detectives that her [redacted] was employed as a [redacted] at Food 4 Less in El Monte. Prior to that he had been the [redacted] at the Pico Rivera Food 4 Less store.

Witness [redacted] stated on prior occasions, he threatened suicide and had gone as far as to drink alcohol and take pills. She could not elaborate more on his prior suicide attempts.

Witness [redacted] said that on the day of the shooting, her [redacted] had called her at work about five or six times. Ms. [redacted] stated that the call she received from her [redacted] at 4:47 p.m. was very upsetting. She said he began yelling at her and said, "If you want to see me dead, tell your friends I'm going home." She elaborated for the Detectives that her [redacted] was referring to the fact she had made a complaint report the day prior with

Deputy K. Nelson, assigned to East Los Angeles Sheriff's Station, alleging that her [redacted] was stalking her. (Refer to ***Exhibit "A, pages 83-86"***, copies of complaint report, [redacted]). She also stated he called saying, "Take care of the kids, I can't live without you." She went on to tell the Detectives that her [redacted] told her he had been arrested and taken to jail on the prior weekend, and that he did not want to return to jail.

I.A.B. Note: A check of the Los Angeles County jail booking system by Detectives failed to reveal this arrest, if it was in fact in Los Angeles County. (Refer to ***Exhibit "A, pages 127, 128, 129 and 131"*** depicting copies of the Wanted Person's System Re: Zazueta, Jesus, Personal History Information, CII Inquiry, and CII Rap sheet).

Witness [redacted] stated that at 5:00 p.m. she received a phone call from her [redacted] asking, "Will you cry for me when I'm gone?" Several minutes after receiving that phone call, Ms. [redacted] was called by fellow employee, [redacted]. Mr. [redacted] told Ms. [redacted] that as he was leaving [redacted] and on his way home, he saw her [redacted] standing by a pay phone outside of a [redacted] store, just west of her location.

Witness [redacted] said she was afraid for her safety and did not want to leave her place of employment. She asked a fellow employee to move her van which was parked in front of the location on Washington Boulevard to the rear of [redacted]. The employee was identified as [redacted], and he did in fact move her vehicle.

Witness [redacted] stated she was still in fear of her safety and afraid to leave her employment. Another employee of [redacted] identified as [redacted], agreed to get into a company car and drive down the street to see if suspect Zazueta was still present. As he drove past the [redacted] store, he saw suspect Zazueta. [redacted] telephoned Ms. [redacted] at [redacted] via cellular phone, and advised her that he was still there. He also told her to call the Sheriff's for assistance. At his insistence, Ms. [redacted] telephoned the East Los Angeles Station's dispatcher. She advised the dispatcher about the previously indicated [redacted] report that was taken by Deputy Nelson, and requested that a radio car be sent out to her location to "keep the peace." She said she further told the dispatcher that her [redacted] was suicidal, and she was afraid to leave her place of business.

Witness [redacted] said she was waiting inside of her business office when she saw two marked Sheriff's radio cars pull up to the curb on Washington Boulevard. She said that

simultaneously her [redacted], Suspect Zazueta, began banging on the front door of her employment. She said he was begging to be let in. Ms. [redacted] said she was scared and at that time she ran into a back interior office of [redacted] She described this office as being on the west side of the building and stated it was the controller's office. She did state, that when she [redacted] ran to the back office, an employee, [redacted], was in the front of the building cleaning up when Suspect Zazueta was banging frantically on the front doors. She said he was begging [redacted] to open the doors as the Sheriff's were approaching.

Witness [redacted] stated that a short period of time passed when she heard gunshots and the sound of the front glass windows breaking. She said she did not hear any conversation taking place between Suspect Zazueta and the Sheriff's deputies who had arrived.

Witness [redacted] told the Detectives that her [redacted] carries two knives for his employment as a [redacted] She said he normally carried a leather sheath, approximately 6 to 8 inches long. She further told the Detectives that Suspect Zazueta was right handed and it was her impression that he was banging on the front glass doors to [redacted] with his leather sheath in his hands.

Witness [redacted] stated that her [redacted] was originally from Mexicali, Mexico, but he spoke, understood and read both English and Spanish. She also indicated that he was a United States citizen.

Witness [redacted] was advised that the suspect had died at the conclusion of this interview. The interview was concluded at 2200 hours.

Witness [redacted], MH/20, DOB: [redacted], was interviewed on 07-09-97, at 2213 hours in the interview room at East Los Angeles Station. Present during the interview were Sergeant Robinson, Detective Lillienfeld from Homicide Bureau and Sergeant Trevizo from Internal Affairs Bureau. Witness [redacted] stated that prior to the incident he was talking on a pay phone at Burger King, which is located across the street and east of the incident. He said he saw a Sheriff's deputy arrive and point his gun at a man in front of [redacted] He told his girlfriend that he would call her back as he wanted to watch what was happening.

Witness [redacted] told the Detectives that as he walked westbound on the north sidewalk of Washington Boulevard, he saw Suspect Zazueta holding an object in each hand. He said the suspect continued to approach the deputy, even though the deputy was warning him in some manner, and the deputy subsequently fired shots.

Witness [redacted] was questioned further he stated he saw two marked Sheriff's cars in front of the location. He said there was one deputy standing by a palm tree pointing a handgun. It was at that time that he hung up the phone from talking to his girlfriend.

Witness [redacted] said he was looking southbound across Washington Boulevard and was directly even with one of the radio cars. He said the suspect looked "anxious," and that he was holding onto two objects, one in each hand. The objects were approximately 6 to 7 inches long, and was unable to articulate exactly what they were. He could see the deputy that was standing near the tree, but he was unable to hear what the deputy was saying.

Witness [redacted] thought the deputy was talking to the suspect for approximately five to ten minutes. He said that during this time period, the suspect kept moving his hands back and forth, from waist level and then up towards his shoulders and at times above his head.

Witness [redacted] told the Detectives he saw the suspect walk towards the deputy, and then heard three popping sounds and then a loud shotgun blast. He was unsure of what the suspect did at that time. He said once this happened he immediately ran and took cover by a tan electrical box on the northwest corner of Washington Boulevard and O'Neill Avenue.

Witness [redacted] told the Detectives that the suspect was standing in an alcove of the building when the incident began, however after he was shot, [redacted] saw the suspect on the sidewalk directly in front of the alcove.

Witness [redacted] said the deputy that fired the shotgun was standing in the street directly in front of a marked radio car. He said after the shooting ceased, he saw two to three more deputies arriving at the scene.

Witness [redacted] told the Detectives he thought he heard approximately five or six shots. He observed the paramedics arrive along with an ambulance as the deputies were treating Suspect Zazueta.

Witness [redacted] said the suspect threw an object and he believed it was brown in color. He was unable to describe it any further. He said when the suspect was standing in the alcove of the building, his view was somewhat obliterated as he was in a shadow. Once the suspect stepped out of the alcove, he was able to view the actions of the suspect more

clearly. Witness [redacted] stated he had nothing further to add, so the interview was concluded at 2228 hours.

Witness [redacted] MW/30, DOB: [redacted] was interviewed on 07-09-97, at 2233 hours at East Los Angeles Station by Sergeant Robinson, and Detective Lillienfeld of Homicide Bureau and Sergeant Trevizo from Internal Affairs. [redacted] told the Detectives that he was the [redacted] of [redacted] and has known Ms. [redacted] for the past five to six years. He said he had met her [redacted] Suspect Zazueta on prior occasions, and during those times they appeared friendly towards one another. He knew they were having some [redacted] problems. He knew that Ms. [redacted] and Suspect Zazueta had separated approximately two times a year during that five to six year period.

Witness [redacted] thought the suspect was very jealous of Ms. [redacted] and he did not trust her unless he could see or hear her. He said it was customary for the suspect to arrive at [redacted] several times a week, right around closing time.

Witness [redacted] told the Detectives that Ms. [redacted] would talk to him about her [redacted] problems, and that he recommended she stay separated from Zazueta as she appeared emotionally healthier.

Witness [redacted] said on 07-09-97, at approximately 5:00 p.m., he noticed that Ms. [redacted] was very upset and pacing the floor of the office. At 5:45 p.m., he noticed that Ms. [redacted] was still in the office, and he inquired if there was a problem. She related to him that another employee, [redacted], had called her and informed her that her [redacted] was down the street waiting for her to leave the office. She told Mr. [redacted] that she had received the call around 4:00 p.m., and he was still down the street waiting for her to get off work.

Witness [redacted] said Ms. [redacted] was afraid to walk approximately ten paces from the front door to her vehicle, for fear that he would confront her. He said he devised a plan where he would drive by the [redacted] store to see if the suspect was still near the phone. If so, he would call Ms. [redacted] on his cellular phone and advise her to run to her van. When he called Ms. [redacted] to tell her to run to her car, she failed to comply, and stayed inside the business.

Witness [redacted] said he had an employee, [redacted] move Ms. [redacted]s van from the front of the location on Washington Boulevard to the rear of the building. He said as [redacted] moved the van, he saw the suspect run eastbound along Washington Boulevard,

approximately 100 yards from where the pay phone/[redacted] store was to his place of business.

Witness [redacted] said at that time Suspect Zazueta stood by the tire shop known as the "Three Brothers Tire Shop." After watching the suspect run down the street, [redacted] returned to his business. He said that Ms. [redacted] stated she was going to call the Sheriff's for assistance. A short period of time passed, and a uniformed patrol deputy arrived at the location, and went to the rear of the business and contacted Ms. [redacted] He said a second marked radio car arrived and went to the front of the location.

Witness [redacted] said he went inside the business and heard loud aggressive knocking at the front window. He looked out the front window/door of the business and saw the rear section of a marked Sheriff's unit. He said the banging sound continued and saw Suspect Zazueta at the door, yelling frantically, "[redacted] let me in. [redacted] let me in."

Witness [redacted] said the banging ceased and he opened the front door and saw the suspect run westbound on Washington Boulevard towards the [redacted] store. [redacted] told the Detectives that it appeared as if the suspect was banging on the door with knives in his hands. He said it was almost immediate that the suspect returned to the alcove directly in front of [redacted]. [redacted] said he locked the front doors.

Witness [redacted] said he ran to the back of the business and got into his company car. He said he drove around the business and turned eastbound on Washington Boulevard. As he drove in front of the business, he saw a uniformed Deputy Sheriff with his gun drawn, pointed at Suspect Zazueta, who was standing in the alcove area of the business. [redacted] said as he reached O'Neill Avenue, and turned southbound onto O'Neill Avenue. As he made the turn, he looked out his passenger door window and saw Suspect Zazueta throw a knife at the deputy. [redacted] said that simultaneously he heard what appeared to be two gunshots. He said as Suspect Zazueta threw the knife at the Deputy, he heard two more gunshots, but did not see if they had any type of impact on the suspect.

Witness [redacted] stated as he continued southbound on O'Neill Avenue he turned into an alley to get to the rear of [redacted]. Once he returned, he heard two more gunshots as he exited his vehicle. He thought he heard approximately six gunshots all together. [redacted] said he comforted Ms. [redacted] who was very upset. He said when he looked out at the front of the location, he saw Suspect Zazueta on the ground.

Witness [redacted] told the Detectives that he was aware of the prior complaint report that Ms. [redacted] had filed the day prior, that being 07-08-97, with Deputy Nelson. He said Ms.

[redacted] had related the suspect's death threat, and was aware of their problematic relationship.

Witness [redacted] said that even though Ms. [redacted] and Suspect Zazueta had separated in the past, this was the first time that he knew about death threats or any physical violence from their separations. He said he knew that Zazueta had even threatened to take his own life.

Witness [redacted] was questioned further regarding the throwing motion of the knife at the deputy. He said he watched the suspect step forward toward the deputies' and with force threw the knife. [redacted] said he saw this as he looked through his passenger door window, but did not hear any commands from the deputies prior to or after the incident. [redacted]'s interview concluded at 2258 hours.

Mr. [redacted], MH/33, DOB: [redacted], was interviewed on 07-10-97, at 0110 hours in the lobby of East Los Angeles Station. He told Detectives Robinson and Lillienfeld that he was the [redacted] of Suspect Zazueta. He asked for a copy of the police report, as well as any other documents, photographs or notes that were obtained by Detectives at that point of the investigation.

Mr. [redacted] was very upset over the incident and indicated to the Detectives that he and his family would be seeking a civil action against the Sheriff's Department. Mr. [redacted] was advised at that time the status of the investigation. He was further advised by the Detectives, that he would be apprised of the progress of this investigation and at the appropriate time documents or other items obtained during the course of the investigation would be released to him or his attorney. Mr. [redacted] told the Detectives that Suspect Zazueta was a United States citizen.

Witness Deputy Mario CASTRO, #[redacted], contacted Detectives on 07-10-97, at 0130 hours at East Los Angeles Station. Witness CASTRO accompanied Suspect Zazueta to Los Angeles County Medical Center where he was treated by emergency room personnel. After the suspect was pronounced dead, by Dr. Shahbani, at 7:15 p.m. on Wednesday, 07-09-97, Deputy CASTRO took possession of the suspect's clothing and wallet. (Refer to ***Exhibit A, page 17***, depicting itemized property of Suspect Zazueta.)

I.A.B. Note: On 08-10-97, at 0315 hours, Detectives contacted Deputy District Attorney Barbara Turner, assigned to Crimes Against Peace Officers Section. DDA Turner was advised of circumstances surrounding incident, and elected not to respond.

Witness [redacted] MB/18, DOB: [redacted] was interviewed on 07-10-97, at 1215 hours, at [redacted], the incident site by Detectives Robinson and Lillienfeld. Witness [redacted] told the Detectives that he was asked by Ms. [redacted] to move her van from the front of the location to the rear of the business. He said it was his impression that Ms. [redacted] was having problems with her [redacted], and she was afraid to go outside and move the van herself. Witness [redacted] said he moved the van at approximately 5:30 p.m. on Wednesday, 08-09-97.

Witness [redacted] stated he was in the rear of the building when the shooting incident occurred. He stated he did not hear the gun shots nor the commands by the Sheriff's deputies. He stated that prior to the incident, he did see uniform patrol deputies in the back of the location, talking to Ms. [redacted], however, he did not know at that time what was occurring.

Witness [redacted] told the Detectives that after the shooting occurred, he saw Suspect Zazueta lying on his back on the sidewalk in front of the business. The interview concluded at 1224 hours.

Witness [redacted] MO/32, DOB: [redacted], was interviewed by Detectives Robinson and Lillienfeld on 07-10-97, at 1235 hours at the [redacted] store located at [redacted] which is just west of where the incident occurred. Witness [redacted] is the [redacted] of the [redacted] store.

Witness [redacted] told Detectives he first saw Suspect Zazueta sitting on a cement curb, next to a pay phone located directly outside of the front door of [redacted] store. He said he saw Suspect Zazueta at approximately 1145 hours. Witness [redacted] stated when he first saw Suspect Zazueta, he was wearing a white Polo shirt that had a "Food for Less" logo over the breast pocket. He said Suspect Zazueta had requested to use the store's bathroom facilities, but [redacted] refused his request. He said the suspect returned approximately ten minutes later and purchased gum and a soda. [redacted] stated Suspect Zazueta then sat outside of his store near the pay phone all day.

Witness [redacted] said he confronted Suspect Zazueta as to what he was doing in the parking lot, hour after hour, and the suspect told him he was waiting for a friend. [redacted] stated that the suspect appeared "uncomfortable" and "was looking around," but did not create any problems while he was there.

Witness [redacted] stated he saw uniformed patrol deputies drive through [redacted] parking lot of the

[redacted] store. Immediately prior to that he had seen Suspect Zazueta run to the trunk of a blue Hyundai, and open it up. [redacted] watched as the suspect pulled out what he believed to be a 2 foot long "machete" in a leather sheath from the trunk. He said the leather sheath was approximately 1 ½ inches wide and 24 inches long. [redacted] said the suspect grabbed the leather sheath in his left hand and starting running eastbound along Washington Boulevard. [redacted] said he watched him run down the street and place the weapon in his front waistband underneath his T-shirt.

Witness [redacted] said as a uniformed patrol deputy drove through [redacted] parking lot, he alerted the deputy as to what he had just seen. He described the deputy as being clean cut with a shaved head. Detectives believe this deputy to be Deputy McCleary.

Witness [redacted] indicated that he told both Deputies McCleary and Binns that he had seen the suspect put something underneath his T-shirt. [redacted] said he watched as the deputies drove down the street and confronted the suspect in front of the place of business where the shooting ultimately occurred. He stated he watched as one of the deputies got out of his car and took cover behind a palm tree, while pointing his weapon at the suspect.

Witness [redacted] said it was his impression that at some point in time during the confrontation, the deputy put the gun away in his holster and approached the suspect. He said he saw the suspect throw an object at the deputy, however, he was unclear and unsure at that time what the object was. [redacted] thought the object went into the street where there was a great deal of heavy traffic. He continued stating that the deputy ultimately fired his weapon two times at the suspect.

Witness [redacted] stated he thought the suspect was standing in an alcove when he threw the object. [redacted] said he saw the object coming out of the air and across the sidewalk towards Deputy Binns. He stated the object was white in color and was possibly a "throwing knife."

Witness [redacted] told the Detectives that prior to the shooting incident, he saw the suspect speaking to the deputies and he appeared to be making exaggerated body motions. He said at one point in time the suspect walked westbound, back towards the [redacted] store, and the deputy sheriff actually drove eastbound on Washington Boulevard and around the corner.

I.A.B. Note: Detectives believe that this was prior to the confrontation occurring when Deputy McCleary first approached the location and attempted to contact the suspect, believing he was a non-involved civilian

visiting the business.

Witness [redacted] told Detectives that he was familiar with the martial arts and in particular knives and throwing knives. He said it was h is opinion, and he felt that it was his impression, that the object he had actually seen the suspect throw was in fact a knife.

Witness [redacted] said there were two women that were present with him observing the incident. He stated that these women frequent the bar directly next door to [redacted] store. The interview was concluded at 1255 hours.

Witness [redacted] MH/37, DOB: [redacted], was interviewed on 07-10-97, at 1404 hours by Detectives Robinson and Lillienfeld at [redacted] located at [redacted] E. Washington Boulevard, Commerce. [redacted] told Detectives when he left work in the afternoon of 07-09-97, he drove westbound on Washington Boulevard from his place of business, [redacted], and saw Suspect Zazueta sitting by a pay phone in front of a [redacted] store. He said the [redacted] store was just west of [redacted] He said he knew that Suspect Zazueta and his [redacted], Ms. [redacted] were having [redacted] problems. He said he pulled over for gas and telephoned Ms. [redacted] that he had seen the suspect waiting down the street from the business. [redacted] said he went home after he told her.

Witness [redacted] said he called Ms. [redacted] as he was in fear for her safety. He thought perhaps that Suspect Zazueta would try and hurt her. He further stated that he had been informed earlier in the day by Ms. [redacted], that the suspect had been calling her on the phone and made the statement to her, "Watch my kids." [redacted] told the Detectives that on that particular day, Ms. [redacted] seemed extremely upset about her relationship with Suspect Zazueta.

Witness [redacted] said that he was not present nor did he have any personal knowledge of the shooting incident that occurred later that afternoon. The interview was terminated.

Witness [redacted] FH/40, DOB: [redacted] was interviewed by Detectives Robinson and Lillienfeld on 07-10-97, at 1415 hours at [redacted] located at [redacted] E. Washington Boulevard, Commerce. [redacted] told Detectives she is employed as a [redacted] at the location and has known Ms. [redacted] for the past five years. [redacted] said that Ms. [redacted] told her that Suspect Zazueta had been calling and threatening her since earlier in the week. She said that Ms. [redacted] said Suspect Zazueta had threatened to kill her.

Witness [redacted] said she was aware that on 07-08-97, Ms. [redacted] had reported the threats

to the East Los Angeles Sheriff's station. She further advised the Detectives that Ms. [redacted] was very scared of Suspect Zazueta, and did not know what to expect of him. [redacted] said she was present when the suspect had called Ms. [redacted] earlier on Wednesday afternoon. She said that Ms. [redacted] was so upset, that she ([redacted]) told the suspect never to come around there again, and then slammed the phone down.

Witness [redacted] told Detectives she left [redacted] at approximately 1500 hours on the evening of the incident. Upon leaving the business, she told Ms. [redacted] to lock the door and call the Sheriff deputies if the suspect came by. [redacted] said that Suspect Zazueta was extremely jealous and constantly accused Ms. [redacted] of being [redacted]. She also said to her knowledge Ms. [redacted] did not [redacted] anyone other than Suspect Zazueta.

Witness [redacted] said she had been told by Ms. [redacted] that the suspect was suicidal, and had told her several years ago, "If I can't have you, I can't go on living." [redacted] said she had nothing else to add, and the interview was concluded.

Witness [redacted] FH/39, DOB: [redacted], was interviewed by Detectives Robinson and Lillienfeld on 07-10-97, at 1645 hours via telephone. The interview was tape recorded and will be maintained as a permanent part of the case file. [redacted] told Detectives she is employed at [redacted] as a [redacted]. She said she has known Ms. [redacted] for the past five years. On the date of the incident, at approximately 5:00 p.m. she was cleaning the office. [redacted] said she saw the suspect knocking on the front door, wanting to get in. She said the suspect appeared very upset, and was knocking vigorously on the door. [redacted] said she was afraid to let him inside and told him numerous times that she could not unlock the doors.

Witness [redacted] said she was present when the uniformed Sheriff's deputies arrived, however, she did not see them get out of their cars. She said she was afraid and went and hid in a bathroom in the interior of the business. When she came out of the bathroom, she saw Ms. [redacted] crying in an interior office and was unaware of what had occurred. [redacted] stated she did not hear any gun shots nor did she hear any commands being given by Sheriff's deputies. [redacted] had nothing further to say and the interview was terminated.

Witness [redacted], FH/42, DOB: [redacted], was interviewed on 07-11-97, at 0935 hours by Detectives Robinson and Lillienfeld. She told Detectives that she and her girlfriend, [redacted], arrived at the parking lot of the [redacted] store/bar at approximately 6:30 to 6:45 p.m. on the night of the incident. [redacted] said as they parked the car, and walked to the bar, which is located next to the [redacted] store, they say uniformed Sheriff

deputies with their guns drawn.

Witness [redacted] said she walked to the curb and could see one of the deputy's with his gun out and telling the suspect to "Come out." She stated she saw a man step out of an alcove with his hands halfway up in the air. [redacted] said he was holding some type of an unknown object and thought it was perhaps a "stick or knife in his hand." She watched as the man threw this object at the deputies. [redacted] said the deputies fired their guns simultaneously and a second deputy was standing by with a shotgun, who also fired his weapon. [redacted] said it was her impression that the Deputy Sheriff who fired the shotgun did so after the first deputy fired his pistol.

Witness [redacted] told the Detectives that the incident occurred, "Really fast." She said that she and Ms. [redacted] were in the [redacted] store parking lot along with the [redacted] of the [redacted] store when the incident occurred. [redacted] said she could see the deputies giving the suspect hand motions to come out of the alcove where he was standing. She watched as Suspect Zazueta threw a long object towards the deputy. When the suspect did so, he was standing on the sidewalk next to the building. [redacted] said the deputy was standing on the sidewalk next to the curb/street area.

Witness [redacted] estimated that the suspect was approximately 20 to 30 feet away from the deputy when he threw the object at him. She described the suspect as being a short male Hispanic, 5'2", wearing a white shirt and dark pants. [redacted] told the Detectives that she specifically recalls seeing the object in the air going towards the deputies. She watched as the suspect continued making hand movements after throwing the object at the deputies. [redacted] said it was her impression the object hit the sidewalk and then went into the street.

Witness [redacted] was unable to articulate to the Detectives that the object thrown was a knife or something else. She said that after the suspect was down on the ground, she saw the deputies take something from his waistband from the rear area prior to placing handcuffs on him.

Witness [redacted] said she spoke with the [redacted] store clerk, subsequently identified by Detectives as Mr. [redacted]. She said that Witness [redacted] related the suspect's earlier suspicious activity and that he had observed him with two knives.

Witness [redacted] was questioned further about the object the suspect had thrown, and she said it looked "Like a butcher knife, thin and long." [redacted] stated she nothing further to add, and the interview was concluded at 0952 hours.

I.A.B. Note: On 07-11-97, at 1005 hours, Detectives returned to the crime scene to conduct further measurements and interviews. At that time, Detectives recovered a knife from the south side of the palm tree that Deputy Binns had indicated he had taken cover behind. The knife was stuck in the tree approximately 20 inches above the ground and was in a blade down position, 3 to 3 ½ inches inside of a frond on the palm tree. (Refer to ***Exhibit "A, page 22"*** depicting a further description of the knife and ***Exhibit "B, page 37"*** depicting a photograph of the palm tree with knife exposed.)

Witness [redacted], FH/49, DOB: [redacted], was interviewed by Detectives Robinson and Lillienfeld on 07/11/97 at 1315 hours. [redacted] stated that she and her companion, [redacted], arrived at the parking lot of the [redacted] store/bar at approximately 6:20 p.m. on the date of the incident. She said they were going to play pool. As they pulled into the parking lot, she saw several people standing on the sidewalk looking eastbound. After she got out of the car, she walked towards the sidewalk and saw a uniformed patrol deputy standing with his gun drawn and pointing towards the suspect. [redacted] said the deputy was standing next to a tree, located by the curb and he appeared to be aiming his weapon southbound towards the building.

Witness [redacted] said she saw other Deputy Sheriffs arriving, and saw the trunk of a radio car being opened and a deputy removing what appeared to be a shotgun. She said she heard the deputies yelling commands to the suspect, but was unable to articulate what was being said.

Witness [redacted] said the suspect was wearing dark pants, had dark hair and was wearing a white shirt. She said she watched the suspect step out of an alcove from the building. [redacted] said the suspect was "rocking back and forth" and making throwing motions towards the deputies. [redacted] said she heard "popping sounds" and saw the suspect swing his arms over his head. She also stated that at one point in time during the incident, it appeared as if the suspect had bent over and was picking up objects off the ground and then throwing them at the deputies.

Witness [redacted] said it was her impression that the suspect may have been throwing rocks or other items he had picked up at the deputies. She was very clear in articulating to the Detectives, that the suspect was making "throwing" motions at the deputies.

Witness [redacted] said she heard the shotgun blast and saw the suspect get hit, and

ultimately fall down on the sidewalk. She said that prior to getting shot, he continued to make "throwing" motions with both hands. She thought he made these motions at least three times. [redacted] further stated that as the deputies were shooting at the suspect, he (suspect) did not stop his actions and continued to move within 1 to 2 feet from the deputies.

The interview was terminated at 1322 hours, when Witness [redacted] stated she had nothing further to add.

Witness [redacted], MH/Adult was interviewed via telephone by Detective Lillienfeld on 07/11/97, at 1435 hours. Witness [redacted] is employed as a [redacted] for the "Food for Less" food store, located at [redacted]. [redacted] stated that Suspect Zazueta was the [redacted] of that store, and had only been assigned to that store for the past week. He stated to the best of his knowledge, it was the store's practice to issue leather knife sheaths and two knives to all of their produce workers. He said that since Suspect Zazueta was the [redacted] of the produce section, he would not have been exempt from being issued that equipment.

Witness [redacted] stated that prior to being transferred to the El Monte store, Suspect Zazueta was employed as a produce manager at the "Food for Less" store located in Pico Rivera.

Witness [redacted] MW/33, DOB: [redacted] was interviewed by Detective Lillienfeld via telephone on 07/11/97 at 1440 hours. [redacted] is a store [redacted] of the "Food for Less" located at [redacted]. He said that Suspect Zazueta had worked at the store with him prior to his transfer to the El Monte store. [redacted] said he had only been assigned to the Pico Store for approximately two weeks, but during that time he and Zazueta became friends, and he was aware of his [redacted] problems. He said he knew that Zazueta and his [redacted] had separated. He said he could relate to what was happening with Zazueta, as he had been through a [redacted] himself. [redacted] said he often tried to advise and console Suspect Zazueta about what to do regarding his relationship problems.

Witness [redacted] stated he was aware that his store had issued a leather sheath and two brown handled 5 to 6 inch blade knives to Suspect Zazueta to use in his duties as a [redacted]. He said he was aware that Zazueta would normally carry these knives in the sheath. [redacted] told the Detectives that these knives were purchased by the "Food for Less Corporation" through a commercial distributor, who provides items to people in the food industry.

The interview was terminated as Witness [redacted] had nothing further to add.

I.A.B. Note: On Monday, 07/14/97, at 1010 hours, Detectives and Lieutenant Marilyn Baker from Sheriff's Homicide Bureau attended the autopsy of Suspect Zazueta at the Los Angeles County Coroner's Office. This autopsy was conducted by Doctor Carpenter. (Refer to ***Exhibit "A, page 24 through 25"*** depicting a concise description of the autopsy, and refer to ***Exhibit "A, page 91 through 117"*** for detailed Corner's Report).

On Tuesday, 07/15/97, at 0905 hours, Detective Lillienfeld was contacted via telephone, by Carmen CALLEJA from the Mexican Consulate in Los Angeles, (213) 351-6825. Ms. CALLEJA stated she had been contacted by a relative of Suspect Zazueta's and was informed that he had been killed by Deputy Sheriffs, and that he was a Mexican national citizen. Detective Lillienfeld advised Ms. CALLEJA that he had been told by both the suspect's brother and Suspect Zazueta's [redacted], that he was a United States citizen. Ms. CALLEJA stated that the Mexican Consulate's interest in this case would cease. She was advised to contact Detectives further if new information was ascertained.

I.A.B. Note: On 07/09/97, at 2025 hours Detectives Sergeant Riggs and Investigator Schrick arrived at the scene to conduct the scene investigation and coordinate the collection of evidence. Deputy Kathy Mullen from Latent Print Detail photographed the scene as directed by investigators. Deputy Jeff Walley from the Firearms Section responded and collected all firearm evidence which he transported to Sheriff's Crime Lab for future examination and analysis. Sergeant Debra Lenhart from Internal Affairs Bureau was present and viewed the crime scene, and assisted in two witness interviews. (Refer to ***Exhibit "A, pages 33 through 37*** for detailed description of evidence located at scene.)

Witness [redacted] MH/45, DOB: [redacted] was interviewed by Sergeants Riggs and Lenhart at [redacted] on 07/09/97 at 2145 hours. [redacted] has been employed with [redacted] since 1989, and holds the position of [redacted]. He told the Detectives that the company is owned by [redacted]. The office hours are from 8 a.m. to 5:30 p.m., at which time a cleaning lady begins cleaning the offices. She works for two to three hours and then closes the business around 8:00 p.m. He said that most of the employees park their vehicles in the rear parking lot, and customers park in

the front along Washington Boulevard. Witness [redacted] said that on the day of the incident he left the business at approximately 11:30 a.m. and did not return until 8:30 p.m., after the incident had occurred.

Witness [redacted] said he knows [redacted] (Suspect Zazueta's [redacted]) and knows she has had [redacted] problems for several years. He said these problems were ongoing, where she would leave her [redacted], stay with relatives, and eventually return to her [redacted]. He said that Ms. [redacted] was afraid to leave her [redacted] even though the problems were continuing. She was afraid that he might do something to her. [redacted] said Ms. [redacted] recently left her [redacted] and had moved in with her sister. She told Witness [redacted] soon after she left Zazueta, her van had been marked with several scratches and she believed her [redacted] was responsible. He said they talked about her going to court and getting a restraining order against him, but she told him she needed money to do that, and was afraid of what her [redacted] would do if she obtained one.

Witness [redacted] said on July 8th at about 4:00 p.m. or 5:30 p.m. he observed Ms. [redacted] hang up the phone. He said she turned and told him that her [redacted] (Suspect Zazueta) had just threatened to kill her. Ms. [redacted] was worried and afraid to go to her car. [redacted] said in the past, she has asked other male employees, including himself, to walk her out to her car, or to move her car closer to the front doors of the business. [redacted] said he asked her how he threatened her and she said on one occasion, "If you can't be with me, you can't be with anyone else. I'll kill you."

Witness [redacted] said he has never observed or heard the suspect threaten or be violent towards Ms. [redacted] He has seen Suspect Zazueta on prior occasions carrying a folding type knife inside a sheath on his belt.

Witness [redacted] said he thought Ms. [redacted] had called the police to report her [redacted]'s threats on Tuesday or possibly Monday, 07/07/97 or 07/08/97. He did not know what happened or what type of report was taken. On Wednesday morning, July 9th, a police officer came by the business to check on Ms. [redacted]'s welfare. She had indicated that it made her feel at ease thinking the police were going to help her with her problems. Witness [redacted] had nothing further to add and the interview was terminated at 2215 hours.

Witness [redacted], MB/29, DOB: [redacted], was interviewed by Sergeants Riggs and Lenhart at [redacted] on 07/09/97 at 2228 hours. Witness [redacted] said he was the [redacted] and [redacted] of [redacted] and has been with the company for five years. He has known Ms. [redacted] during this time and knew she was

having [redacted] problems with her [redacted], (Suspect Zazueta). He knew her [redacted] as he has seen him at the business in the past, and even called him by his nickname of "Jesse." [redacted] said Ms. [redacted] described her [redacted] as a very violent person who had threatened to kill her and the children. He said that she mentioned he had a heavy drinking problem. In the past, the suspect would hand around the office, near his [redacted]'s desk, talking for several hours at a time. Witness [redacted] told Ms. [redacted] that this was not appropriate, and she needed to tell her [redacted] to stay away from the business. He recalled this incident occurring about six or seven months ago, or possibly even longer.

Witness [redacted] said after he had this talk with Ms. [redacted] about her [redacted] (suspect), he did not come back to the business for several months. Recently, within the last month, Suspect Zazueta started coming back to [redacted]. [redacted] said at first he would see Zazueta outside of the business waiting for Ms. [redacted] He would sometimes come inside to talk to her for a short time and then leave to wait for her outside. He never observed the suspect with any weapon or being violent at the business. He said he would hear about Ms. [redacted]'s problems from other employees or overhearing her speak with other employees. He remembers Ms. [redacted] talking about a prior incident where she worked at a doctor's office. Suspect Zazueta was very jealous of her being around male co-workers and she had to quit.

Witness [redacted] recalled that it was about a year ago when Ms. [redacted] indicated that she was afraid to leave the business to walk to her car, because she had observed her [redacted] around the business watching her. She would ask other employees to escort her to her car or asked them to leave with her. He thought that incident may have been when Ms. [redacted] left her [redacted] and moved in with relatives. [redacted] noticed over the last couple of days that problems had started again between Zazueta and Ms. [redacted]. He believes he overheard Ms. [redacted] talking with co-workers, that she had left her [redacted] on Monday, July 7th. He also overhead Ms. [redacted] had contacted the police about her problem and had made a police report.

Witness [redacted] returned to the business at 3:00 p.m. on Wednesday, July 9th. Prior to arriving at [redacted] he stopped at a [redacted] store just west of the business. As he was driving into the parking lot of the [redacted] store, he observed Suspect Zazueta exiting the [redacted] store and getting into his (suspect's) car. He appeared to be in a hurry and did not say anything to [redacted]. He said he did not notice anything unusual about Suspect Zazueta. He believed Zazueta was wearing blue clothing. [redacted] said he got a quick look at the upper portion of his body. When [redacted] exited the [redacted] store, he saw that the suspect's vehicle had left the parking lot, and he ([redacted]) continued on his way to work.

Witness [redacted] said it was sometime between 3:00 p.m. and 4:30 p.m., he heard Ms. [redacted] slam her telephone down. [redacted] came out of his office and asked her what happened. She told him she was in a particular situation and did not want to talk about it. He said he assumed it was Ms. [redacted]'s ongoing domestic problems he had heard about through employees during the last couple of days. After that incident he did not ask anymore questions. He heard from other employees that Ms. [redacted] had left her [redacted] (Suspect Zazueta), and on this occasion he had threatened to kill her. He thought Witness [redacted] told him about the threats.

Witness [redacted] said as he left work at 6:00 p.m. and was getting into his vehicle when [redacted], and employee of the business came out to discuss a situation with him. [redacted] told him that Suspect Zazueta was at the [redacted] store waiting for Ms. [redacted] and that she was afraid to go out to her car. He told [redacted] that someone had telephoned Ms. [redacted] and told her that Zazueta was at the [redacted] store. Ms. [redacted] asked one of the employees to escort her out to her car. Witness [redacted] said she has done this before, but [redacted] was concerned that if this continued it may involve other employees into her problem. [redacted] also informed [redacted] that another employee named [redacted], moved her car from the front of the business to the back of the business, near the rear exit.

Witness [redacted] told [redacted] to escort Ms. [redacted] to her car, and if there were any problems to immediately call the police and notify him. [redacted] said he left the location en route for home. He was then contacted and was told about the incident. [redacted] returned to the business to offer his assistance. He had nothing further to add and the interview was terminated at 2304 hours.

I.A.B. Note: On 07/10/97, at 0010 hours, Deputy Walley recovered a shotgun, Ithaca model 87, 12 gauge, serial #MAG-[redacted], marked East Los Angeles Station #30, from the rack of radio car 31823. There was one round in the magazine with no rounds in the chamber. Also recovered was an empty shotgun, Ithaca stun bag, model 37, 12 gauge shotgun, serial #[redacted], in its case from the trunk of radio car 31782. Deputy Walley transported all firearms evidence and weapons to the crime lab for future examination and analysis.